

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12011-MLW

CARLOS A. AGUIAR,)
 Plaintiff)
)
 v.)
)
LIMA & CURA FISHING)
CORPORATION,)
 Defendant)

DEFENDANT'S REQUEST FOR VOIR DIRE

1. Have you or do you know someone else who has suffered an amputated finger as a result of a workplace injury?
 - A. Would you please tell us about it?
 - B. Would your knowledge or experience cause you to be more favorably disposed to the plaintiff's side of this case?
2. Have you ever missed time from work due to a workplace injury?
 - A. Would you please tell us about it?
 - B. Would your knowledge or experience cause you to be more favorably disposed to the plaintiff's side of this case?
 - C. Were you compensated for your time off and, if so, how?
3. Have you or any immediate family member ever been either a plaintiff or a defendant in a civil lawsuit seeking monetary damages?
 - A. Would you please tell us about it?
 - B. Would your knowledge or experience cause you to be more favorably disposed to the plaintiff's side of this case?

4. Have you ever been injured or out of work for greater than one month period of time?
 - A. Would you please tell us about it?
 - B. Would your knowledge or experience cause you to be more favorably disposed to the plaintiff's side of this case?
5. Would your experience cause you to give more weight to the testimony of the plaintiff concerning his injury?
6. In light of the answers you have given so far, do you feel that you could decide this case fairly and without favor towards either side?
7. Can you lay aside your feelings and past experience and decide this case solely on the facts, witnesses and evidence presented to you by the lawyers, and the instructions I give as to the law which governs this case?
8. Do you know any of the following people who are expected to be witnesses in this case: Carlos Aguiar, Celeste Aguiar, Joseph Lima, Joao Cura, Jose Abreu, Dr. Jennifer Lee, Dr. Robert Sawyer, Dr. Edward Nalebuff, Deborah Veatch, David DuBois, Frank Sweeney, Russell DuBois?
 - A. Which ones do you know?
 - B. Would your acquaintance with one or more of these witnesses cause you to give more or less weight to his testimony?
9. Do any of you have any personal knowledge concerning the facts and circumstances concerning this case?
 - A. Would you please tell us about it?
 - B. Would your knowledge or experience cause you to be more

favorably disposed to the plaintiff's side of this case?

10. Have any of you formed or expressed an opinion concerning the truth or falsity of the allegations brought by the plaintiff in this case?
11. Have you or any member of your immediate family or close friend ever made a claim against someone else for a personal injury?
 - A. Would you please tell us about it?
 - B. Would your knowledge or experience cause you to be more favorably disposed to the plaintiff's side of this case?
12. Do any of you have a family member, relative or close friend who works in the capacity of a deckhand on a fishing vessel?
 - A. Would you tell us about that person's job and your relationship to him or her?
 - B. Would your acquaintance with this person cause you to be more favorably disposed to the plaintiff's side of the case?
13. This case may take several days to try. The plaintiff has the burden of proof and must go first. Will you be able to wait until all of the evidence is in and not just the evidence presented by the plaintiff prior to arriving at a decision?
14. The plaintiff has the burden of proving his allegations in this case by a preponderance of the evidence. Is there any one of you who would be unable to abide by the instruction that the plaintiff must prove his case by a preponderance of the evidence?
15. If your understanding of the burden which the plaintiff must carry in this case is different from what I have just explained to you, and which I will instruct you on

- in more detail later, are you willing to lay aside your previous understanding and decide this case solely upon the facts and evidence presented to you by the lawyers in the case, and the instructions which I shall give you.
16. The mere fact that the plaintiff was injured is not proof of any fault on behalf of the defendant. Is there any one of you who would be unable to abide by this instruction?
 17. The defendant, Lima & Cura Fishing Corporation, is a business while the plaintiff is an individual. The defendant business is entitled to the same fair and impartial treatment as to the plaintiff who is an individual. Is there any one of you who would not be able to treat each party as equals?
 18. Lastly, in this regard, Mr. Aguiar suffered an injury. You would be less than human if you do not feel sympathetic towards him because of that injury. Sympathy, however, cannot form the basis of your verdict nor in any way enter into your decision-making process. Is there any one of you who would be unable to lay any sympathetic feelings aside and decide this case solely upon the facts and testimony produced by the witnesses and the instructions which I will give you later in the case?
 19. Do any of you feel that there is anything, whether we have asked you about it or not, which in fairness to either side, should be disclosed?

20. Do any of you feel for any reason that you would be unable to fairly and impartially decide the facts and the issues of this case in accordance with the evidence and the instructions of law which I will give you later in this case?

For the Defendant,
By its attorneys,

REGAN & KIELY LLP

/s/ Joseph A. Regan
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